

**Amended
ORDINANCE NO. 2005-20
AN ORDINANCE AMENDING
CHAPTER 8.06 ENTITLED TREES AND SHRUBS
OF THE LAFAYETTE MUNICIPAL CODE**

WHEREAS, an Ordinance relating to Trees and Shrubs has been adopted by the Common Council for the City of Lafayette and is now codified as Chapter 8.06 of the Lafayette Municipal Code; and

WHEREAS, there is a need to further modify the Chapter 8.06 to delete certain words, delete certain provisions, and add new provisions; and

WHEREAS, the Tree Advisory Committee and the City Forester have been reviewing the Trees and Shrubs Ordinance for the purpose of recommending changes, primarily to provide for planting of street trees in New Developments, and have recommended certain changes; NOW THEREFORE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA as follows:

Section 8.06.010 (Definitions) of the Lafayette Municipal Code is hereby amended to add between the definition for “Tree Advisory Committee” and the definition for “Tree Topping” the following definition:

“Tree Lists” *Approved Shade Trees A & B and Alternate Small Trees* – means a list of acceptable trees that have been proven adaptable to and suitable for urban conditions in the city. *Prohibited Tree List* – means a list of unacceptable trees that have proven undesirable characteristics which shall be prepared and amended from time to time by the City Forester with the advice of the Tree Advisory Committee.

Section 8.06.080 (Species prohibited – Height of shrubs) of the Lafayette Municipal Code is hereby deleted and shall be replaced by the following:

8.06.080 (Species prohibited – Height of shrubs) Trees listed in the prohibited Tree list shall not be planted in the public right-of-way or on public property. The planting of any low hanging, low branching, or bush type tree which might impair vision is also prohibited. No shrubs shall be planted which grow higher than three (3) feet.

Section 8.06.140 heading is amended to read as follows:

Section 8.06.140 (Permit required for planting or removal of trees from public property)

In addition, **Section 8.06.140 (Permit required for planting or removal of trees from public property)** of the Lafayette Municipal Code is hereby amended to add Paragraph C to read as follows:

8.06.140...

C. No person shall plant any tree on any public right-of-way, or other public property without first obtaining a permit therefore from the City Engineer.

Section 8.06.150 (Planting of street trees) of the Lafayette Municipal Code is hereby repealed and replaced with the following:

8.06.150. Planting of street trees.

- A. Existing Development. The City wishes to encourage an orderly planting of trees along the public streets of the city. Therefore, the city is authorized to provide trees for planting, with the cooperation of the adjacent property owner, along the streets of the city, within the public right of way. The planting of trees shall conform to all relevant ordinances and regulations already in force. Trees for planting in the public right-of-way shall be selected and located to avoid interference with overhead distribution, primary and transmission lines. (ord.88-39, 4-3-89)
- B. New Development. All new developments adjacent to a minor arterial, collector street, local street or shared access road shall be required to have street trees and a street tree plan shall be submitted with the applications for an improvement locations permit and shall be installed before issuance of a final certificate of occupancy. Street trees shall be installed as follows:
1. Species and Number. Trees to be planted shall be deciduous, not evergreen. Trees shall be required at the standard of one tree per forty (40) feet of frontage for trees listed on the Approved Shade Tree List, and one tree per thirty-five (35) feet of frontage for trees on the Alternate Small Tree List. The required number shall be rounded to the nearest whole number. Tree species shall be selected from the approved shade tree list unless overhead lines are present.
 2. Locations. Trees shall be located as determined by the first of the following applicable rules. If a location is shown on the subdivision plat, that location shall be used unless impractical. If a consistent pattern of street trees is already started on the street, that pattern must be followed unless impractical. Otherwise the trees shall be planted at least (5) feet behind the public parkway. All street trees shall be planted at least thirty (30) feet back from any intersection with a local or collector street and fifty (50) feet back from any intersection with major or minor arterial. Street trees shall have a minimum spacing of twenty-five (25) feet and the spacing of street trees shall coordinate with street trees planted on any adjoining property abutting the same street.
 3. Size. Trees required by this chapter for new development shall have a minimum caliper of one and one-half (1 ½) inches immediately after planting.
 4. Additional Provisions. For a commercial development, the planting location may be varied or the requirement of street trees may be waived under the following circumstances:
 - a. If the planting of the street trees would impair vision at the entrance or exit to any parking lot.
 - b. If the planting of street trees would functionally duplicate trees planted under the section for off-street parking lots.
 - c. If the location of shallow utilities would prohibit the digging of street tree planting holes.
 5. The City Engineer, in consultation with the City Forester, may approve minor modifications, or an innovative landscaping plan, as long as they are consistent with the intent of this chapter.
 6. The plant materials used to meet the requirement of this section must be approved by the City Engineer with the advice of the City Forester, and must not be those listed in the

Prohibited Tree List. Trees located beneath primary, and larger electric utility lines must be specifically approved by the City Forester.

All other provisions of Chapter 8.06 of the Lafayette Municipal Code not amended by this Ordinance shall remain in full force and effect.

Adopted this 12th day of September, 2005, by a vote of 8 in favor, 0 opposed

CITY OF LAFAYETTE, INDIANA COMMON
COUNCIL

Steve Meyer ss
Steven Meyer, President

ATTEST:

Cindy Murray ss
Cindy L. Murray, City Clerk

Presented by me to the Mayor of Lafayette, Indiana, this 12th day of September, 2005

Cindy Murray ss
Cindy L. Murray, City Clerk

Approved and signed by me this 12th day of September, 2005

Tony Roswarski ss
Tony M. Roswarski, Mayor

ATTEST:

Cindy Murray ss
Cindy L. Murray, City Clerk

Sponsored by: Melissa Weast-Williamson, Councilman